MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

PCC0012 – INTRODUCTION TO CRIMINAL AND CONSTITUTIONAL LAW

(All sections / Groups)

2 MARCH 2020
2.30 p.m – 4.30 p.m
(2 Hours)

INSTRUCTIONS TO STUDENTS

1. This question paper consists of 2 pages with 4 Questions only .
2. Answer **ALL questions** from **Part A** and **ONE (1) question** from **Part B.**
3. Please write all your answers in the Answer Booklet provided.

PART A: COMPULSORY

QUESTION 1

"In common law traditions, a crime is committed only if there is a wrongful act (actus reus) coupled with mens rea. The concept of mens rea was developed in England in the 17th century, when judges began to hold that an act alone could not create criminal liability unless it was accompanied by a guilty state of mind."

- Prof Dato' Saleh Buang, New Straits Time, 2 January 2019

Based on the above statement, explain *mens rea.* Support your answer with relevant authorities.

(30 marks)

QUESTION 2

In the Malaysian context, "free speech" refers to "freedom of speech and expression" as stated in Article 10 of the Federal Constitution, which declares categorically in Clause (1) (a) that "every citizen has the right to freedom of speech and expression". Free speech, which is available for Malaysian citizens only, is not absolute because that freedom is subject to several restrictions as set out in Clauses (2), (3) and (4) of the same Article.

By virtue of the Federal Constitution, discuss the nature and restrictions of this fundamental liberty. Support your answer with relevant authorities.

(30 marks)

[Total: 60 marks]

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PART B: ANSWER ONE (1) QUESTION ONLY

QUESTION 3

" The separation of powers is important because it provides a vital system of 'checks and balances': Firstly, it ensures that the different branches control each other. This is intended to make them accountable to each other – these are the 'checks'; secondly, the separation of powers divides power between the different branches of government – these are the 'balances'. Balance aims to ensure that no individual or group of people in government is 'all powerful'. Power is shared and not concentrated in one branch."

- Civics' Academy, "Cultivating Democracy through Civic Education"

By virtue of the above statement, explain the theory of separation of powers in Malaysia.

[Total: 40 marks]

QUESTION 4

The Parliament has power to make laws by way of Dewan Rakyat and Dewan Negara passing a Bill and assented by the YDPA. A Bill can be proposed by either House of the Parliament (Dewan Rakyat or Dewan Negara). All Bills that will be passed by both of the House of Parliament must follow certain rules of the House.

Based on the above statement, explain the procedures involved in the formation of Malaysian legislation and support your answer with relevant authorities.

[Total: 40 marks]

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